



DAC #8
PATENTS
LT-140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant : Steven D. Roach
Application No. : 10/003,096 Confirmation No. : 5186
Filed : December 6, 2001
For : CIRCUITRY AND METHODS FOR IMPROVING
THE PERFORMANCE OF A LIGHT EMITTING
ELEMENT
Group Art Unit : 2821
Examiner : James Vu

Repln. Ref: 06/18/2003 CKHLOK 0013331800
DAH:061075 Name/Number:10003096
FC: 9204 \$1300.00 CR

New York, New York 10020
April 3, 2003

Box DAC
Hon. Commissioner for Patents
P.O. Box 2327
Arlington, Virginia 22202

PETITION UNDER 37 C.F.R. § 1.137(b,f) FOR REVIVAL
OF UNINTENTIONALLY ABANDONED PATENT APPLICATION

Adjustment date: 00/00/0000
04/08/2003 SLUANG1 00000010 10003096
01 FC:1453 SIR: -1300.00 OP

Pursuant to 37 C.F.R. § 1.137(b,f), applicant hereby petitions for revival of the above-identified patent application, which may have become abandoned because the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing and applicant unintentionally may have failed to notify the Patent and Trademark Office of that foreign filing within forty-five days thereof.

04/08/2003 SLUANG1 00000010 10003096

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>6/16/03</u>		2 Serial/Patent # <u>10/003,096</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
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<input checked="" type="checkbox"/>	Petition	8	4/8/03	\$ 1300.00							
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10 REASON:		Treasury Check									
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	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>0</td><td>6</td><td>--</td><td>1</td><td>0</td><td>7</td><td>5</td></tr></table>			0	6	--	1	0	7	5
0	6	--	1	0	7	5					
<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
<i>Decision filed before foreign filing</i>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Paul Shanowski</u>		TITLE: <u>Attorney</u>									
SIGNATURE: <u><i>Paul Shanowski</i></u>		PHONE: <u>305-0011</u>									
OFFICE: <u>Office of Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u><i>Dwight Khloek</i></u>		DATE: <u>6/18/03</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

37 C.F.R. § 1.137(b) (1)

This petition is accompanied by a notification under 37 C.F.R. § 1.213(c) that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing.

37 C.F.R. § 1.137(b) (2)

A check in the amount of \$1,300.00, in payment of the petition fee set forth in 37 C.F.R. § 1.17(m), is enclosed herewith. The Director is hereby authorized to charge any additional fee that may be due, or credit any overpayment, in connection with this Petition, to Deposit Account No. 06-1075. A duplicate copy of this Petition is enclosed herewith.

37 C.F.R. § 1.137(b) (3)

Any delay in notifying the Patent and Trademark Office that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing, including the delay in filing this petition, was unintentional.

Applicant filed a Rescission Under 37 C.F.R. § 1.213(b) Of Nonpublication Request on October 16, 2002, prior to the earliest foreign filing (November 28, 2002) of the above-identified patent application. The Rescission was filed in a format based on the original Patent and Trademark Office form for such rescissions, which did not include a notification that foreign filing had occurred (and indeed, at the time of filing the rescission, foreign filing had not yet occurred).

Applicant understood, based on the original Patent and Trademark Office form, that filing of the rescission met the requirement for notifying the Patent and Trademark Office that foreign filing had occurred.

The undersigned learned on April 1, 2003 that the Patent and Trademark Office had changed its form for

rescission of a nonpublication request to include an explicit notification of foreign filing, and that under the Patent and Trademark Office's current interpretation of 37 C.F.R. § 1.213(c), the mere rescission of a nonpublication request does not satisfy the requirement that the Patent and Trademark Office be notified that an application in which a nonpublication request had been filed has been filed in a foreign country that publishes applications after eighteen months. In view of that interpretation, applicant in an abundance of caution has prepared and is filing this Petition immediately.

Request for Retroactive Effect

Applicant further respectfully requests that revival of the above-identified patent application be granted retroactively to January 12, 2003, the date that is forty-five days after the earliest foreign filing.

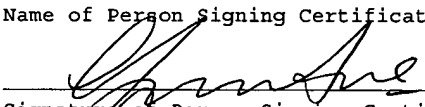
Conclusion

Prompt grant of this petition is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Hon. Commissioner for Patents
P.O. Box 2327
Arlington, Virginia 22202
on April 3, 2003


Claire J. Saintil-van Goodman

Name of Person Signing Certificate


Signature of Person Signing Certificate

April 3, 2003
Date of Signature

Respectfully submitted,



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